

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

JAMES OGG,

Case No. 1:20-CV-

Plaintiff,

Honorable:

v.

SPARTAN PRECISION MACHINING, INC.

Defendants.

CUNNINGHAM DALMAN, P.C.

Attorneys for Plaintiff

By: Gregory J. McCoy (P51419)

321 Settlers Road

Holland, Michigan 49423

(616) 392-1821

COMPLAINT

There is no other pending or resolved
civil action arising out of the transaction or
occurrence alleged in the Complaint.

The Plaintiff, James Ogg (“Plaintiff”), by and through his undersigned counsel brings this
Complaint against the Defendant, Spartan Precision Machining, Inc. (“Defendant”), as follows:

I. INTRODUCTION

1. This is an action by Plaintiff against the Defendant, his former employer, for violation of the overtime provisions of the Fair Labor Standards Act (“FLSA”).
2. Plaintiff’s primary duty was a “machinist” and he was misclassified by the Defendant as an “exempt” employee under the FLSA.
3. Plaintiff was not compensated for hours worked in excess of 40 hours per week in violation of the FLSA.

II. JURISDICTION AND VENUE

4. This action arises in part under 29 U.S.C. § 201, et. seq. of the FLSA. The Court has jurisdiction over the FLSA claims pursuant to 29 U.S.C. § 216(b);
5. Defendant is a Michigan corporation with facilities located throughout the State of Michigan, including Coopersville, MI, where Plaintiff was employed, so venue is proper in the Western District of Michigan. 28 USC 1391.

III. PARTIES AND GENERAL ALLEGATIONS

6. Plaintiff was an employee of Defendant from the period October, 2018 until October 29, 2020. 29 USC 203(e); 29 USC 203(g).
7. Defendant was an employer of Plaintiff as defined by the FLSA and is subject to the FLSA. 29 USC 203(d); 29 U.S.C. § 203(s)(1)(A).
8. While working for Defendant Plaintiff performed the duties of a “machinist”.
9. This type of work duties performed by Plaintiff were not “exempt duties” under the FLSA, entitling him to overtime pay for work in excess of 40 hours per work.
10. However, Plaintiff was paid on a salary basis, and he received no additional compensation for hours worked in excess of 40 hours per week.
11. Plaintiff regularly worked in excess of 40 hours per week.
12. These violations of the law by Defendant were knowing, deliberate and willful.

Count I – FLSA Overtime Violation

13. Plaintiff realleges the paragraphs above.

14. Plaintiff regularly worked in excess of forty hours in a workweek and he was not paid additional compensation for hours worked in excess of 40 hours per week.
15. Defendant failed to pay Plaintiff overtime due pursuant to the FLSA as described in part in Sec 7(a)(1) of the FLSA. 29 USC 207.
16. Plaintiff was damaged by Defendant's failure to pay him overtime.

WHEREFORE, Plaintiff demands a judgment against Defendants for the following:

- (a) Wages found to be due and owing;
- (b) An additional equal amount equal to the unpaid wages found to be due and owing as liquidated damages;
- (c) Prejudgment interest;
- (d) A reasonable attorney's fee and costs; and,
- (e) Such other relief as the Court deems just and equitable.

Cunningham Dalman, PC

Dated: November 5, 2020

/S/ Gregory J. McCoy
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